



# Hendry County Sheriff's Office

## General Order 1.3

**TITLE:** Weapons

**ORIGINATION DATE:** August 4, 2018

**REVISION DATE:** May 7, 2019

**RELATED REFERENCES:** CJSTC Rule 11B-27.00212, §790.051 F.S., §790.052 F.S., §943.1717F.S.

*GO 1.4 Levels of Resistance*

**Forms:**

**CFA:** 4.02M, 4.05M, 4.06M, 4.07M, 10.04M, and 10.10M

**REVIEW FREQUENCY:** 3 YEARS

**DATE OF NEXT REVIEW:** May 7,

2022

**I. PURPOSE:** To set guidelines for the authorized and unauthorized use of firearms.

**II. SCOPE:** This order shall apply to all sworn sheriff's office members.

**III. DISCUSSION:** Florida law allows individual law enforcement agencies the autonomy and discretion to regulate the use and carrying of firearms by their law enforcement officers. It is imperative that control of firearms be strictly maintained and that training in the use of firearms is continuous.

**IV. POLICY:** It is the policy of the Hendry County Sheriff's Office to regulate the types of firearms carried by agency members. It is the policy of the agency to prohibit members from carrying any firearm prior to successful completion of the Florida Basic Recruit Training Program, or its equivalent, being qualified with the firearm, acknowledging receipt and understanding of General Order 1.4, *Levels of Resistance*, and being trained in agency policies relating to the use of deadly force.

Civilian personnel shall abide and be governed by all applicable statutes and laws relating to the carrying of weapons by private citizens.

### V. PROCEDURE

- A. Weapons may be authorized for sworn law enforcement or corrections deputies only when the weapon to be carried meets the requirements set forth within this procedure and the officer has successfully completed all applicable training and demonstrated proficiency in the use of an agency authorized weapon.
- B. Authority to Carry Firearms
  1. Law enforcement and corrections deputies of the Hendry County Sheriff's Office are authorized to carry firearms, as approved by the Sheriff, subject to the following guidelines:
    - a. Full-time law enforcement, corrections, and reserve deputies are authorized to carry firearms approved by the Sheriff, while on or off duty, in accordance with Florida Statute 790.051 and Florida Statute 790.052.
    - b. Auxiliary deputies are authorized to carry firearms approved by the Sheriff while on duty only.
- C. Authorized Firearms and Accessories

1. Only firearms and ammunition reviewed by the agency range master/armorer, and specifically authorized by the Sheriff/designee, will be carried on-duty. Prior to being authorized to carry an approved weapon, the agency range master/armorer must inspect and approve all firearms.
2. Handgun - Primary Use - Agency Issue. Full time deputy sheriffs are issued agency handguns and are required to carry them as their primary use weapon while on duty. The following handguns are authorized for use by the agency:
  - a. Glock Model 21
  - b. Glock Model 30
  - c. Diamondback Model DB9 9mm- (Issued to Vice/Narcotics personnel for UC operations)
  - d. As provided in section C-4
3. The Sheriff's Training Unit will maintain records of all weapons issued to or carried by all sworn full-time and reserve/auxiliary personnel. The Training Unit will maintain all training and qualification records relating to firearms. Any change in weapons issued or carried by sworn personnel will be reported in writing to the Training Unit.
4. Secondary/Off-Duty Firearm – an agency issued or personally owned firearm that is carried concealed as a secondary duty or off-duty firearm.
  - a. A secondary/off-duty handgun may be carried in addition to the agency issued primary handgun. The handgun may be either a revolver or semi-automatic handgun, with a caliber not less than .32 and not greater than .45.
  - b. Secondary/off-duty firearms are authorized to be carried with the understanding that the handgun is to be used only in cases of a loss of the primary firearm, complete malfunction of the primary firearm, expenditure of carried ammunition for the primary firearm or other exigent circumstances to protect human life.
  - c. A deputy desiring to carry a secondary/off-duty firearm must demonstrate his/her knowledge of the operation of the firearm and demonstrate qualification proficiency in the same course of fire as required for the primary weapon, to an agency authorized firearms instructor prior to carrying on/off duty and during each qualification.
  - d. Secondary/off-duty firearms must be completely secure to prevent loss or accidental discharge when carried on or about the deputy's person.
  - e. Personnel carrying a secondary/off-duty firearm, with a caliber other than 9x19mm, 40 S&W or 45 ACP caliber must provide their own practice and duty ammunition.
  - f. Personnel, on specific or special assignment, if authorized in writing by the Chief Deputy, are permitted to carry as their primary weapon firearms defined in Section C(3) – Secondary/Off-Duty Firearm.
5. Shotguns
  - a. Shotguns of pump action or semi-automatic design and chambered for 12-gauge ammunition, are authorized to be carried on duty. All authorized duty shotguns will be issued by the agency.
  - b. The following shotgun accessories are authorized:
    - c. Sling and swivels
    - d. Spare ammunition carrier (sidesaddle or elastic)
    - e. Flashlight attachment.
6. Rifles - Only Agency issued shoulder fired rifles are authorized for use while on duty.

- a. Colt, Ruger, Heckler and Koch, Bushmaster, Armalite or Rock River Arms must manufacture all approved shoulder fired rifles. The Chief Deputy or his designee may individually authorize rifles of other manufacture.
  - b. All rifles approved for duty use must be of unmodified semi-automatic design and bear an original manufacturer's trademark. Fully automatic rifles will not be permitted, except as authorized by the Sheriff.
  - c. The SRT Team is authorized to carry other agency issued shoulder-fired rifles as authorized by the Chief Deputy or his designee.
7. The following accessories are authorized for use with approved rifles:
- a. Sling and swivel
  - b. Night sights, including ambient light amplifiers
  - c. Telescopic scope
  - d. Bipod
  - e. 32 round capacity magazine (maximum)
  - f. Laser sights
  - g. Flashlight
8. All weapons modifications/repairs to agency owned rifles will be made by an agency authorized armorer.

D. Ammunition

- 1. Only agency issued ammunition is authorized when using firearms with a caliber of 9x19mm, .40 S&W and 45 ACP.
- 2. Ammunition for secondary firearms with a caliber other than 9x19mm, .40 S&W or .45 ACP must be provided by the employee and approved by the range master.
- 3. Only factory new ammunition will be used in any agency issued or approved firearm.

E. Holsters

- 1. All agency authorized duty handguns must be carried securely in a holster that incorporates a minimum of one safety device and has been approved for use by the Training Unit.

F. Concealment

- 1. While off-duty and not in uniform, all personnel will ensure that their firearm is adequately secured and concealed from public view unless the deputy is actively engaged in an enforcement action.

G. Training/Qualification

- 1. All law enforcement, reserve/auxiliary and corrections deputies, prior to being authorized to carry a firearm, and before use on duty, will successfully complete an agency approved familiarization and orientation course with the firearm, as well as agency use of force policies (General Order 1.4: Levels of Resistance). As a part of the familiarization/orientation course, the deputy must demonstrate proficiency with the firearm. All proficiency exams must be in accordance with the current agency qualification course and any firearms related training will be documented and conducted by a certified agency authorized firearms instructor.

2. The agency will conduct annual use of force training for all sworn personnel authorized to carry a firearm that meets the topic requirements in CJSTC Rule 11B-27.00212 (scenario based firearms training, physiological response dynamics training, less-lethal force options available within the agency, agency policies on use-of-force training, and legal aspects regarding use-of-force training).
3. All law enforcement deputies will be required to attend an annual firearms training block. Additional firearms training/qualification sessions may be scheduled at the discretion of the Sheriff. All law enforcement deputies must qualify biennially with each assigned or authorized personally owned firearm and will be evaluated on a pass/fail basis, with a passing score consisting numerically of 80% or higher. Shooters failing to meet the minimum qualifying score on their first attempt will be required to pass in two consecutive courses of fire, in two consecutive attempts.
4. No shooter will be granted more than three attempts in a single day. Personnel failing to meet the qualification standards as prescribed above will be dismissed from the range and notice of the failure will be made directly to the deputy's commanding officer. All personnel failing to qualify as prescribed herein will immediately be administratively reassigned pending the first scheduled remedial training.
5. If an agency firearms instructor identifies a deputy demonstrating poor or improper tactics, the instructor should immediately attempt to correct the tactic(s) demonstrated. If the deputy continues to operate in an unsafe manner, the instructor should document his or her observations and notify the deputy's lieutenant, via chain of command. The Training Unit shall develop a remedial training plan in an attempt to resolve the deficiency. If the remedial training does not bring the deputy to an acceptable level of performance, the deputy's lieutenant will be noticed for further disciplinary action.
6. "Alibi" rounds will be approved only in the event of a malfunction of the weapon or ammunition, which was not within the control of the qualifying deputy. Improper position, insufficient number of rounds available, magazine not seated, no round in the firing chamber, difficulty drawing the weapon, less than the allowed number of rounds fired and other causes within the control of the deputy are not sufficient justification for approval of additional rounds for purposes of qualifying.
7. Any deputy who has suffered an illness or injury, which could affect his/her ability to use a weapon, will be required to re-qualify with their firearm prior to returning to duty.
8. Any deputy, out on any type of extended leave that missed an annual firearms training block or an agency qualification will be required to re-qualify with their firearm prior to returning to duty in accordance with their applicable collective bargaining agreement.
9. All agency approved firearms training will be documented to reflect attendance, proficiency, serial number and model of firearm used, as well as any other information deemed appropriate by the Chief Deputy or his designee.
10. Personnel firing the qualification course must wear eye and ear protection, a hat, and protective body armor.
11. All law enforcement, reserve/auxiliary, and corrections deputies will be trained annually in agency use of force policies (GO 1.4 Levels of Resistance).
12. The Training Unit shall be notified via email of any anticipated absences. Unexcused absences from an annual firearms training block or qualifications will be documented as a failure to qualify, excluding exigent circumstances.

#### H. Remedial Training

1. Personnel assigned to remedial firearms training are not permitted to return to their normal duty assignment, except by order of the Sheriff, until they satisfactorily complete the requirements set forth by this procedure.
2. Personnel required to attend remedial firearms training will be given a maximum of three remedial firearms training opportunities. At the conclusion of each, the shooter will be required to fire for qualification as described in F(3).

3. Remedial shooters are required to fire two consecutive passing scores in a maximum of two attempts.
4. Personnel required to attend first remedial firearms training will be temporarily assigned to the range for that day.
5. Personnel failing to qualify after the first remedial will have their agency issued identification, firearm, and vehicle removed from their possession, and will be placed on administrative suspension or temporarily assigned to a non-sworn position if available and qualified. A second remedial training will be scheduled.
6. Personnel failing to qualify after the second remedial will remain suspended or temporarily assigned and afforded a third and final remedial training and qualification attempt.
7. Personnel failing to qualify at the conclusion of the third remedial firearms training no longer meet the minimum qualifications as a deputy sheriff, and recommendation will be made to terminate employment as a sworn law enforcement officer with the Hendry County Sheriff's Office or permanent assignment in a non-sworn position they qualify for if one is available.

I. Remedial Shooter Mandatory Qualification

1. Personnel who fail to qualify during an annual qualification and receive remedial firearms training will be required to attend training as prescribed by the Training Unit and qualify each month after remedial qualification.
2. The course of fire will be the same as the one he/she originally failed. This will be repeated for a period of six months.
3. This procedure will be strictly adhered to. Failure to comply with this procedure will result in disciplinary action up to and including termination.
4. Personnel are limited to three remedial sessions (a session is defined as the opportunities presented in Section F: Remedial Training) within a five-year period. More than three may result in termination of employment.

J. Approved Weapon Handling - The following are agency approved weapon handling situations:

1. Law enforcement purposes
2. Official supervisory inspections, to include maintenance and/or cleaning during inspection
3. Pre-shift inspection of approved duty long guns
4. Firearms that are evidence associated with a case
5. Firearms qualification
6. Approved firearms training
7. District/unit supervisory monitored in-service training
8. Handling associated with approved repair of the firearm
9. Approved recreational purposes outlined in General Order 1.4: Levels of Resistance

K. Accidental Discharge of a Firearm - Upon any unintentional discharge of any firearm, the following will occur:

1. A memorandum will be written and submitted by the involved personnel

2. The immediate supervisor of involved personnel will conduct a preliminary investigation into the incident and provide a written overview through their chain of command to the Sheriff. The preliminary investigation will include:
  - a. written and photographic documentation of the scene
  - b. written and/or recorded statements from all witnesses and personnel involved
  - c. the immediate supervisor, based on his/her assessment of the scene may request additional agency personnel to assist in the investigation
3. The immediate supervisor will notify the district/division supervisor and the Lieutenant of the incident.
4. The district/division supervisor or lieutenant will notify the Sheriff, Chief Deputy, and Professional Standards Unit of the incident.
5. The involved firearm may be confiscated during the course of the investigation.
6. Follow-up investigation – The responsibility for the follow-up investigation into an accidental discharge incident will be determined by the Chief Deputy or his designee.
7. In the event of any negligent or unintentional discharge of a firearm, the involved personnel will be required to attend remedial training and re-qualify prior to returning to duty.
8. Based on the results of the investigation, involved personnel may be subject to disciplinary action as deemed appropriate by the Sheriff.

L. Firearm Maintenance

1. All firearms will be kept clean, lubricated and in proper working order as recommended by the manufacturer.
2. Beyond what is necessary for routine cleaning and maintenance, only the armorer, range master or a manufacturer's authorized repair facility, may disassemble any issued or approved firearm.
3. In the absence or unavailability of the armorer or range master, authorization of emergency gunsmith repairs may be made by the deputy's commanding officer.
4. Authorized repairs will be specified in writing on a repair order submitted to the gunsmith.
5. No modifications or alterations may be made to any issued or approved firearm or ammunition without prior written approval from the armorer or range master.
6. The date and description of all repairs, modifications or alterations of issued or approved firearms and ammunition will be recorded in the respective firearm record maintained by the armorer.

M. Less Lethal Weapons

1. The Sheriff or designee shall be the authorizer of any new less lethal weapon after review by the supervisor commanding the Training Unit. Agency approved and authorized less lethal weapons are:
  - a. CS/OC spray
  - b. 12 gauge shotgun, used with less lethal impact munitions
  - c. Multi-round 37mm launcher
  - d. Single shot 40 mm launcher

- e. Electronic Control Device (ECD)
2. Authorized munitions – munitions approved for use in less lethal force delivery systems and approved by this agency.

N. Training

1. All law enforcement, reserve/auxiliary and corrections deputies, before being authorized to carry a less lethal weapon, and prior to use on duty, will successfully complete an agency approved familiarization and orientation course with said weapon as well as agency use of force policies (General Order 1.4: Levels of Resistance). As a part of the familiarization/orientation course, the deputy must demonstrate proficiency with the less lethal weapon. All proficiency exams must be in accordance with the current agency training programs. All less lethal weapons related training will be conducted by agency authorized weapons instructors.
2. All law enforcement, reserve/auxiliary and corrections deputies will be trained biennially in the use of less lethal weapons (except ECD).
3. Those persons authorized to carry the ECD will be trained and certified in its use on an annual basis.
4. Training and proficiency must be documented
5. Deployment of less lethal weapons will be consistent with General Order 1.4: Levels of Resistance.–

O. Inspection of Weapons

1. Supervisors will conduct and document quarterly inspections of all weapons.
2. Firearm instructors will inspect all weapons and verify weapon serial numbers prior to weapons qualification.
3. Any duty weapon determined to be unsafe, or past expiration date, during an inspection conducted by a supervisor, firearm instructor, armorer, range master or the deputy to whom it is issued, will be immediately removed from service for repair or replacement.
4. The armorer or range master will be contacted as soon as practicable to schedule a date and time for official inspection, repair or replacement.
5. Any weapon removed from service will be replaced with a similar weapon with which the deputy will be required to qualify with or be trained prior to resuming official duties.
6. Only issued or approved weapons will be replaced by the armorer or range master.

P. Security of Weapons

1. Sworn personnel will safely secure all weapons to prevent access by unauthorized persons and to ensure compliance with all applicable state laws.
2. All weapons, including ammunition and magazines, will be secured in provided lockers. In the event a secured locker is not available, deputies may use the vehicle trunk area before an employee enters the controlled interior of:
  - a. The Hendry County Jail Complex
  - b. Holding cell areas of any Hendry County Courthouse
  - c. Secure areas of any mental health facility

- d. Juvenile Assessment Center
  - 3. Exceptions to the above provisions may be made during an emergency situation involving hostages, barricaded suspects, or riot. Deputies should enter a secured facility under the above emergency circumstances only upon the express approval of the commanding officer in charge of the incident.
  - 4. When a vehicle is to be serviced at any repair facility, including Fleet Maintenance, all weapons will be removed.
  - 5. While utilizing the Range Facility, no weapon will be left unattended. This includes deputies going forward to check their targets, leaving firearms and weapons unattended under the pavilion.
- Q. Weapon Readiness Responsibilities - On duty weapon readiness responsibility of deputy sheriffs:
- 1. Weapon readiness – on duty: deputies are to carry weapons in applicable manner to include:
    - a. cruiser ready shotguns, rifles
    - b. holstered firearms, OC spray
  - 2. Weapon readiness – potential threat
    - a. When encountering a situation that may require the immediate use of force, a deputy may draw his/her weapon (firearm, shotgun, rifle, OC spray, other approved weapon) in accordance with the guidelines established in General Order 1.4: Levels of Resistance.
    - b. A deputy may draw his/her firearm when encountering a situation that may require the immediate use of deadly force in situations to include, but not limited to:
      - i. felony stops
      - ii. building searches
      - iii. open doors
      - iv. challenging an armed suspect
      - v. search of an area for a felony suspect
      - vi. other life threatening situations
  - 3. Deployment of shotguns and rifles:
    - a. When deployed outside the vehicle, all long guns will be carried in the low ready position or an approved sling carry. Upon exiting the vehicle a round may be chambered only with the safety in the “on” position. The safety should remain in the “on” position and all fingers will be kept outside of the trigger guard until the weapon is to be intentionally discharged.
    - b. All long guns carried in an agency vehicle, equipped with an approved carrying/storage device, will be carried in said device.
    - c. While engaged in authorized SRT operations, members of the Sheriff’s SRT may be exempt from these deployment provisions.
  - 4. Weapon readiness does not include finger on the trigger of the firearm, shotgun, rifle, or less lethal weapon, until the weapon is to be intentionally discharged.
  - 5. Off duty weapon readiness responsibility of sworn personnel:

- a. Deputies are prohibited from carrying concealed weapons, except for authorized firearms, while in an off duty status.
- b. The primary responsibility of off duty deputies is the protection of human life.
- c. When off duty deputies witness criminal activity that is non-life threatening, their primary responsibility is to notify appropriate law enforcement personnel and provide assistance and witness information.

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## VI. GLOSSARY

**BARRICADE SITUATIONS** - The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.

**ELECTRONIC CONTROL DEVICE** – A less lethal weapon that utilize an electrical current to disrupt the subjects motor nervous system, or effect the subjects sensory nervous system be causing pain due to its application in order to bring the resisting subject into compliance.

**FIREARMS TRAINING** – A course that includes weapons familiarization and mandatory firearms qualifications on an Agency approved course.

**HOSTAGE SITUATIONS** – The holding of any person(s) against their will by a suspect who, by either action or threat, places that person(s) in harms way.

**LESS LETHAL WEAPON** – A weapon used for the purpose of compliance, overcoming resistance or preventing serious injury without a significant likelihood of causing death.

**OPERATIONAL READINESS** – Includes the care, cleaning, preventive maintenance, repair, workability and responsiveness of agency equipment rendering it available for immediate use.

**RANGE MASTER** – A deputy sheriff and F.D.L.E. certified firearms instructor with extensive expertise in firearms, firearms training, and related knowledge, responsible for safe operation.

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